

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF NEW YORK

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4 UNITED STATES OF AMERICA, : 23-CR-88(HD)

5 -against- : United States Courthouse
6 Brooklyn, New York

7 CHI KWAN WONG, :
8 Defendant. : January 8, 2024
2:00 o'clock p.m.

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10
11 TRANSCRIPT OF PLEADING
12 BEFORE THE HONORABLE HECTOR GONZALEZ
UNITED STATES DISTRICT JUDGE.

13 APPEARANCES:

14 For the Government: BREON PEACE
15 United States Attorney
16 BY: MIRIAM GLASER DAUERMAN
17 Assistant United States Attorney
271 Cadman Plaza East
Brooklyn, New York

18 For the Defendant: ABELL ESKEW LANDAU LLP
19 256 Fifth Avenue, 5th Floor
20 New York, New York
21 BY: DAVID M. ESKEW, ESQ.
JAN JORRITSMA, ESQ.

22 Court Reporter: Charleane M. Heading
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25 Proceedings recorded by mechanical stenography, transcript
produced by computer-aided transcription.

1 THE CLERK: This is criminal cause for a change of
2 plea, docket number 23-CR-88, United States of America versus
3 Wong.

4 Will the parties please state your appearances for
5 the record starting with the government.

6 MS. GLASER DAUERMAN: Miriam Glaser Dauermann for
7 the United States. Good afternoon, Your Honor.

8 THE COURT: Good afternoon.

9 MR. ESKEW: Good afternoon, Your Honor. David
10 Eskew, Abell Eskew Landau, on behalf of the defendant who is
11 seated to my left. On my right is an associate from my law
12 firm, Jan Jorritsma.

13 THE COURT: All right. Good afternoon.

14 Good afternoon, Mr. Wong. I understand that you are
15 here today for a change of plea hearing. Is that your
16 understanding?

17 THE DEFENDANT: Yes.

18 THE COURT: You can pull the mic up.

19 So, obviously, that's a very important decision for
20 you so I want to make sure that we take our time and if, at
21 any point, anything I say doesn't make sense, just let me know
22 and I'll try to be a little more clear or if, at any point,
23 you want to take a break to discuss something with your
24 attorney, just let me know and we'll take as much time as you
25 need. Do you understand?

1 THE DEFENDANT: Yes.

2 THE COURT: So what I'm going to go through today is
3 I am going to go, one, through the charges or the charge that
4 you are going to be pleading guilty to, I am going to ask you
5 a series of questions about what it means to plead guilty and
6 the rights that you will be giving up by pleading guilty, and
7 then when I'm satisfied that you understand those rights, then
8 I will give you an opportunity to allocute or to say what it
9 is in your own words that makes you guilty of the offense.

10 So as I understand it, you will be pleading guilty
11 to Count One and we will go through that at the appropriate
12 time.

13 Do you have any questions right now?

14 THE DEFENDANT: No.

15 THE COURT: At this time, I just need you to stand
16 so that Mr. Neptune can swear you in.

17 THE CLERK: Raise your right hand.

18 (Defendant was duly sworn/affirmed by the clerk.)

19 THE COURT: You can be seated.

20 All right. So I do need to now remind you that
21 because you are under oath, obviously any answers to my
22 questions that are false could subject you to additional
23 prosecution for providing false answers under oath.

24 Do you understand that?

25 THE DEFENDANT: Yes.

1 THE COURT: All right. Can you tell us what is your
2 full name?

3 THE DEFENDANT: Chi Kwan Wong.

4 THE COURT: How old are you?

5 THE DEFENDANT: Thirty-three.

6 THE COURT: What's the highest level of education
7 that you have?

8 THE DEFENDANT: Doctor of pharmacy.

9 THE COURT: And, obviously, you are able and
10 understand English, correct?

11 THE DEFENDANT: Yes.

12 THE COURT: And have you ever been treated or
13 hospitalized for any sort of mental illness?

14 THE DEFENDANT: I'm treating with a psychiatrist for
15 right now. I'm currently working with a social worker weekly.

16 THE COURT: All right. So that's a regular session
17 that you go to?

18 THE DEFENDANT: Yes. It's been going on for over a
19 year now.

20 THE COURT: Okay. And is there anything about the
21 reason why you're seeing the licensed social worker that would
22 affect your ability to understand the proceedings today?

23 THE DEFENDANT: No.

24 THE COURT: All right. And have you taken any
25 drugs, medicine or pills or alcohol or anything like that in

1 the last 24 hours?

2 THE DEFENDANT: No.

3 THE COURT: And have you ever been treated or
4 hospitalized for any type of addiction including drug or
5 alcohol abuse?

6 THE DEFENDANT: No.

7 THE COURT: And do you feel that your mind is clear
8 today?

9 THE DEFENDANT: Yes.

10 THE COURT: And do you understand what is happening
11 today? Have you had enough of an opportunity to discuss with
12 your attorney what's going to happen today?

13 THE DEFENDANT: Yes.

14 THE COURT: And, Mr. Eskew, based on your
15 interactions with Mr. Wong, do you believe that he understands
16 the nature of today's proceedings?

17 MR. ESKEW: Yes, Judge.

18 THE COURT: And does he have any, based on your
19 observations, any physical or mental conditions that you think
20 would impair his ability to proceed today?

21 MR. ESKEW: No.

22 THE COURT: And have you had enough time to discuss
23 today's proceedings with him?

24 MR. ESKEW: Yes, Judge.

25 THE COURT: And do you feel that based on your

1 discussions with him, that he understands the rights that he
2 will be waiving by pleading guilty today?

3 MR. ESKEW: I do.

4 THE COURT: And also that he's capable of
5 understanding the nature of the proceedings?

6 MR. ESKEW: Yes.

7 THE COURT: And do you have any doubt as to
8 Mr. Wong's competence to plead at this time?

9 MR. ESKEW: No.

10 THE COURT: Have you had enough of an opportunity to
11 discuss with him the sentences, both maximum and the
12 guidelines that might affect his sentence in this case if I
13 accept his plea?

14 MR. ESKEW: Yes, Judge.

15 THE COURT: And, Mr. Wong, do you feel like you've
16 had enough of an opportunity to discuss today's proceedings
17 and your whole case with Mr. Eskew?

18 THE DEFENDANT: Yes.

19 THE COURT: And overall, are you satisfied with the
20 representation that you've received from him?

21 THE DEFENDANT: Yes.

22 THE COURT: Have you been given a copy of the
23 indictment in this case? That's the document that contains
24 the charges against you.

25 THE DEFENDANT: Yes.

1 THE COURT: And I understand from reviewing the
2 papers in this case that the defendant, Ms. Glaser Dauermann,
3 will be pleading to Count One. If you could summarize the
4 nature of those charges.

5 And, Mr. Wong, I'll ask you to listen closely as the
6 prosecutor describes the nature of the charges that you'll be
7 pleading guilty to. Okay?

8 THE DEFENDANT: Okay.

9 THE COURT: All right.

10 MS. GLASER DAUERMANN: Yes, Your Honor. The
11 defendant is pleading guilty to Count One of the indictment
12 which is conspiracy to commit health care fraud. He conspired
13 with others to submit claims to Medicare and Medicaid that
14 were tainted by kickbacks, medically unnecessary and,
15 otherwise, ineligible to be submitted to Medicare, and he did
16 that between December 2017 and December of 2020.

17 THE COURT: And where was that, venue-wise?

18 MS. GLASER DAUERMANN: It was within the Eastern
19 District of New York.

20 THE COURT: Okay. All right.

21 Do you understand, Mr. Wong, that those will be the
22 charges that you will be pleading guilty to today?

23 THE DEFENDANT: Yes.

24 THE COURT: And you have had a full opportunity or
25 enough opportunity to discuss those charges with your

1 attorney?

2 THE DEFENDANT: Yes.

3 THE COURT: And, Mr. Eskew, do you believe that
4 Mr. Wong understands the nature of the charges that he'll be
5 pleading guilty to?

6 MR. ESKEW: Yes, Judge.

7 THE COURT: And Ms. Glaser Dauermann, are there
8 any -- the victims in this case are Medicare and Medicaid?

9 MS. GLASER DAUERMAN: Yes, Your Honor.

10 THE COURT: And through appropriate channels,
11 they've been notified of today's plea?

12 MS. GLASER DAUERMAN: They have and I'm
13 representing them here.

14 THE COURT: Okay.

15 Now, Mr. Wong, I'm going to go through a number of
16 rights and ask you whether, one, you understand that you have
17 that right and the importance of understanding that is that
18 you'll be giving up these rights as part of entering a plea.
19 Okay?

20 THE DEFENDANT: Okay.

21 THE COURT: So you have a right to continue to plead
22 not guilty and no one can force you to plead guilty. Do you
23 understand that?

24 THE DEFENDANT: Yes.

25 THE COURT: And you would also have a right under

1 the constitution and the laws of the United States to both a
2 speedy and a public trial. Do you understand that?

3 THE DEFENDANT: Yes.

4 THE COURT: And that trial would be by a jury. Do
5 you understand that?

6 THE DEFENDANT: Yes.

7 THE COURT: And at trial, you would be presumed
8 innocent and the government would have to prove your guilt
9 beyond a reasonable doubt, do you understand?

10 THE DEFENDANT: Yes.

11 THE COURT: And you would have the right to the
12 assistance of counsel for your defense who would represent you
13 at trial and at every other stage of this proceeding. Do you
14 understand?

15 THE DEFENDANT: Yes.

16 THE COURT: You would have the right to see and hear
17 all witnesses at the trial and have them cross-examined in
18 your defense. Do you understand that?

19 THE DEFENDANT: Yes.

20 THE COURT: And you'd have the right on your own
21 part to decline to testify unless you voluntarily elected to
22 do so in your own defense. Do you understand?

23 THE DEFENDANT: Yes.

24 THE COURT: And you'd have the right to compel the
25 attendance of witnesses to testify at that trial in your own

1 defense if you chose to. Do you understand that?

2 THE DEFENDANT: Yes.

3 THE COURT: And if you were to decide not to testify
4 or to put on any evidence at trial, those facts could not be
5 held against you and I would instruct the jury that they could
6 not hold those facts against you. Do you understand?

7 THE DEFENDANT: Yes.

8 THE COURT: And by entering a plea of guilty, if I
9 accept your plea, there will be no trial and you will have
10 waived or given up your right to a trial as well as all these
11 rights that I've just gone over with you. Do you understand
12 that?

13 THE DEFENDANT: Yes.

14 THE COURT: So there will be no further trial of any
15 kind and no right of an appeal from a judgment of guilty. I
16 will simply enter a judgment of guilty on the basis of your
17 guilty plea today. Do you understand?

18 THE DEFENDANT: Yes.

19 THE COURT: And if you plead guilty, part of the
20 process today is I'm going to have to ask you questions about
21 what it is that makes you guilty of the offense charged in
22 Count One.

23 So I'm going to be asking you to make statements
24 that incriminate yourself. Do you understand that?

25 THE DEFENDANT: Yes.

1 THE COURT: So, Mr. Wong, do you understand each and
2 every one of the rights that I've just gone over with you?

3 THE DEFENDANT: Yes.

4 THE COURT: And are you willing to give up these
5 rights including your right to a trial by a jury and all the
6 other rights associated with that that I've discussed with
7 you?

8 THE DEFENDANT: Yes.

9 THE COURT: Okay. I understand that there is a plea
10 agreement. Has that been signed?

11 MR. ESKEW: Yes, Judge.

12 THE COURT: Okay. So I'm going to have the original
13 of that plea agreement marked as Court Exhibit 1 and ask that
14 that be kept by the government in its custody.

15 MS. GLASER DAUERMANN: Yes, Your Honor.

16 THE COURT: One thing I noticed in the plea
17 agreement, and I just want to make sure, is one of the, one of
18 the enhancements, the one having to do with the government
19 health care program sustaining losses of over \$1 million, is
20 that the correct site where that two level enhancement is? I
21 thought it was at Section 2B1.1(b)(7) --

22 MS. GLASER DAUERMANN: -- (b)(7), yes. That's a
23 typo.

24 THE COURT: It's a typo? Okay. Have you had an
25 opportunity to correct that even to just initial it with

1 counsel?

2 MS. GLASER DAUERMANN: We can do that, I believe,
3 after the proceeding --

4 THE COURT: Okay.

5 MS. GLASER DAUERMANN: -- just for the formal
6 record.

7 THE COURT: Is that acceptable, Mr. Eskew?

8 MR. ESKEW: Yes, Judge.

9 THE COURT: All right.

10 So let me go through that plea agreement with you,
11 Mr. Wong, and make sure that you understand what that plea
12 agreement means and what it does and how it affects you.
13 Okay?

14 Did you have enough -- one, did you sign that
15 agreement?

16 THE DEFENDANT: I did.

17 THE COURT: Okay. And did you have an opportunity
18 to read and discuss the agreement with your attorney before
19 you signed it?

20 THE DEFENDANT: Yes.

21 THE COURT: And do you feel that you had sufficient
22 time to review it and to have any questions that you had about
23 it answered by your attorney?

24 THE DEFENDANT: Yes.

25 THE COURT: And do you feel that you understand

1 what's encompassed in that plea agreement?

2 THE DEFENDANT: Yes.

3 THE COURT: And, Mr. Eskew, did you have sufficient
4 time to review the agreement with your client?

5 MR. ESKEW: Yes, Judge.

6 THE COURT: And, Mr. Wong, do you have any questions
7 for me about the agreement?

8 THE DEFENDANT: No.

9 THE COURT: And does the agreement represent in its
10 entirety the understandings that you have with the government
11 about how your case will be resolved?

12 THE DEFENDANT: Yes.

13 THE COURT: And has anyone made any promise or
14 assurance to you that is not in the agreement in order to
15 persuade you to accept the agreement?

16 THE DEFENDANT: No.

17 THE COURT: I just want to make sure you understand
18 my question.

19 Has anyone made any promises to you outside of
20 what's contained in the agreement in order to get you to sign
21 that agreement?

22 THE DEFENDANT: No.

23 THE COURT: And has anyone threatened you in any way
24 to persuade you to accept and execute the agreement?

25 THE DEFENDANT: No.

1 THE COURT: And, Mr. Eskew, were all formal plea
2 offers from the government conveyed to your client?

3 MR. ESKEW: Yes, Judge.

4 THE COURT: Now, I'm going to tell you a little bit
5 about some of the penalties for the crime to which you are
6 going to be pleading guilty to make sure that you understand
7 that and it should be all contained in your plea agreement as
8 well.

9 The charge to which you intend to plead guilty which
10 is in Count One is a conspiracy to commit health care fraud
11 and that charge has no minimum term of imprisonment but it
12 does have a maximum term of imprisonment of ten years.

13 Do you understand that?

14 THE DEFENDANT: Yes.

15 THE COURT: And that charge also carries with it the
16 possibility that after any term of imprisonment, you can be
17 subjected to up to three years of what's known as supervised
18 release.

19 Do you understand that?

20 THE DEFENDANT: Yes.

21 THE COURT: And supervised release means that there
22 will be a number of conditions that you'll have to follow and
23 be supervised by the Probation Department and that if you
24 violate any of those conditions, that could result in
25 additional prison time.

1 Do you understand that?

2 THE DEFENDANT: Yes.

3 THE COURT: And the crime to which you're pleading
4 guilty to also carries a possible maximum fine of the greater
5 of \$250,000 or twice the gross gain or loss from the offense.

6 Do you understand that?

7 THE DEFENDANT: Yes.

8 THE COURT: And I'm also obligated, because you are
9 pleading to one count, there is a mandatory special assessment
10 of \$100 that I have to assess at the time of sentencing.

11 Do you understand that?

12 THE DEFENDANT: Yes.

13 THE COURT: I also saw from the plea agreement that
14 restitution will be required in this case and per the plea
15 agreement, the restitution amount that the government submits
16 will be appropriate in this case is \$1,352,941.

17 Do you understand that?

18 THE DEFENDANT: Yes.

19 THE COURT: And I won't have an opportunity to
20 assess what the appropriate restitution amount is until I've
21 had the Probation Department prepare a presentence report for
22 me.

23 Do you understand that?

24 THE DEFENDANT: Yes.

25 THE COURT: And I also see from the plea agreement

1 that you have agreed to enter into a money forfeiture judgment
2 of a little over \$338,000. Do you understand that?

3 THE DEFENDANT: Yes.

4 THE COURT: And, Mr. Wong, are you a U.S. citizen?

5 THE DEFENDANT: Yes.

6 THE COURT: All right. So I won't go through what
7 the possible consequences of your conviction would be on your
8 immigration status.

9 Now, have you had an opportunity to discuss with
10 your attorney how the sentencing guidelines might affect your
11 sentence?

12 THE DEFENDANT: Yes.

13 THE COURT: And has your attorney explained to you
14 that the sentencing guidelines are advisory, meaning that I'm
15 not bound by them but they are one of the factors that I have
16 to consider when determining the appropriate sentence in your
17 case?

18 THE DEFENDANT: Yes.

19 THE COURT: Now, based on my review of the plea
20 agreement, I understand, Ms. Glaser Dauermann, that the
21 government believes that the appropriate guideline range in
22 this case is 30 to 37 months, is that correct?

23 MS. GLASER DAUERMAN: That's correct, Your Honor.

24 THE COURT: I also understand that the defendant has
25 reserved his right in that plea agreement to request that I

1 apply a mitigating role adjustment under the guidelines.

2 Is that correct, Mr. Eskew?

3 MR. ESKEW: That's correct, Judge.

4 THE COURT: So other than that potential role
5 adjustment, do you, Mr. Eskew, have any different calculation
6 of the guidelines?

7 MR. ESKEW: No. We and the government agree that
8 this is the appropriate estimate of the guidelines with the
9 exception of that carveout.

10 THE COURT: And, Mr. Wong, what you should
11 understand is that these estimates that your attorney and the
12 government have worked out could be wrong.

13 Like I said, with respect to restitution, as with
14 the rest of your sentence end including the advisory guideline
15 range, I won't be able to make a determination of what that is
16 until I receive a presentence report from the Probation
17 Department.

18 Do you understand that?

19 THE DEFENDANT: Yes.

20 THE COURT: And do you understand that the sentence
21 I impose may be different from any estimate that your attorney
22 or the government may have given you?

23 THE DEFENDANT: Yes.

24 THE COURT: And as a general matter, I have the
25 authority in some circumstances to depart upward or downward

1 from the advisory guideline range and that could result in a
2 sentence that is either greater or lesser than the advisory
3 guideline range.

4 So as you sit here today, what I need you to
5 understand is that there is no guarantee as to what particular
6 guideline range will apply in your case. Do you understand
7 that?

8 THE DEFENDANT: Yes.

9 THE COURT: And do you understand that if the
10 advisory guideline range in the presentence report is
11 different from the guideline range that's spelled out in the
12 plea agreement or that your attorney has advised you of, that
13 you will not be able to take back your plea? Do you
14 understand that?

15 THE DEFENDANT: Yes.

16 THE COURT: And if the ultimate sentence I impose is
17 different from what you hope for or expect, you won't be able
18 to take back your plea. So as you sit here today, there's no
19 way for you to know what your ultimate sentence will be
20 because I don't know what your ultimate sentence will be.

21 Do you understand that?

22 THE DEFENDANT: Yes.

23 THE COURT: So you should understand also that
24 there's no longer parole in the federal system and that means
25 that if you are sentenced to any period of incarceration, you

1 will not be released early on parole.

2 Do you understand that?

3 THE DEFENDANT: Yes.

4 THE COURT: I also see from the plea agreement that
5 you've agreed to a plea waiver -- an appeal waiver, which
6 means that under certain circumstances, depending on what
7 sentence I impose, you will be giving up your right to appeal
8 that sentence.

9 Do you understand that?

10 THE DEFENDANT: Yes.

11 THE COURT: Now, do you have any questions for me
12 about the rights that you are giving up, the potential
13 punishments that you might face, the plea agreement that you
14 entered into with the government or the nature of the charges
15 or anything else about the proceedings against you?

16 THE DEFENDANT: No.

17 THE COURT: Okay. And are you ready, Mr. Wong, at
18 this time to plead guilty?

19 THE DEFENDANT: Yes.

20 THE COURT: And, Mr. Eskew, do you know of any
21 reason why your client should not plead guilty at this time?

22 MR. ESKEW: No, Judge.

23 THE COURT: All right. Mr. Wong, what is your plea
24 to Count One of the indictment which is a conspiracy to commit
25 health care fraud?

1 THE DEFENDANT: Guilty.

2 THE COURT: And are you making the plea of guilty
3 voluntarily and of your own free will?

4 THE DEFENDANT: Yes.

5 THE COURT: And has anyone threatened or forced you
6 to plead guilty?

7 THE DEFENDANT: No.

8 THE COURT: And other than the agreement with the
9 government, has anyone made any promise that caused you to
10 plead guilty?

11 THE DEFENDANT: No.

12 THE COURT: And has anyone made any promise to you
13 as to what your sentence in this case will be?

14 THE DEFENDANT: Yes.

15 THE COURT: Someone has made a promise to you --

16 THE DEFENDANT: No. No. Sorry.

17 THE COURT: -- about what your sentence will be?

18 THE DEFENDANT: No.

19 THE COURT: Let me ask the question again.

20 Has anyone made any promise to you as to what your
21 sentence in this case will be?

22 THE DEFENDANT: No.

23 THE COURT: Now, at this time, in your own words, if
24 you can tell me what it is you did that makes you guilty of
25 the charge in Count One.

1 MR. ESKEW: Judge, with your permission, Mr. Wong
2 would like to read a statement that he wrote out.

3 THE COURT: Okay. Let me just ask did you prepare
4 that statement with the assistance of your attorney?

5 THE DEFENDANT: Yes.

6 THE COURT: And did you have an opportunity then to
7 discuss that statement with your attorney?

8 THE DEFENDANT: Yes.

9 THE COURT: And regardless of who may have had the
10 main role in the precise words that are in that statement, are
11 you adopting that statement as if it is your own written
12 statement?

13 THE DEFENDANT: Yes.

14 THE COURT: And to the extent that you had any
15 questions about what needed to go in that statement, did your
16 attorney answer those questions to your satisfaction?

17 THE DEFENDANT: Yes.

18 THE COURT: All right. So at this time, and I just
19 ask you for the benefit of the court reporter, since we have a
20 tendency to read more quickly than we speak, if you could just
21 read that statement slowly.

22 THE DEFENDANT: Okay.

23 MR. ESKEW: And, Judge, I will say for the benefit
24 of the record, these are Mr. Wong's own words put within the
25 framework of the elements of the offense.

1 THE COURT: Very well. Thank you, Mr. Eskew.

2 THE DEFENDANT: Hi, everybody. My name is Chi Wong.

3 Between about December 2017 to about December 2020,
4 at the age of 27, I was employed as a pharmacy consultant for
5 A Star Pharmacy located in Brooklyn, New York.

6 While I was working there, I became aware that the
7 pharmacy, A Star Pharmacy had a coupon program.

8 THE COURT: I'm sorry. I missed that. Had a what?

9 THE DEFENDANT: A coupon program.

10 THE COURT: Okay.

11 THE DEFENDANT: That provided coupons and gift cards
12 to patients so that they would be able to buy groceries at a
13 local supermarket.

14 These coupons were provided to patients because many
15 of the pharmacies in the same area, they, they are also
16 provided similar benefits. So this way, that was a way to get
17 the patients to come to the pharmacy.

18 During my work as a consultant at A Star Pharmacy, I
19 was asked by the owners of the pharmacy Maggie and Amanda to
20 provide pricing information about the medications that would
21 be more profitable for the pharmacy.

22 Based on that request, I routinely provided public
23 pricing information from wholesalers that I got to the owners
24 as requested. One of the drugs was diclofenac --

25 THE COURT: Can you spell that?

1 THE DEFENDANT: Diclofenac.

2 THE COURT: Can you spell it?

3 THE DEFENDANT: D-I-C-L-O-F-E-N-A-C.

4 -- which was a profitable drug for the pharmacy at
5 that time. I provided that information to owners in the
6 beginning of about 2019.

7 I was also aware that one of the owners at the
8 pharmacy, Maggie, also worked for many years in a clinic that
9 located upstairs from the pharmacy and that this clinic sent
10 prescriptions to A Star Pharmacy, including the drug I just
11 talk about, diclofenac, medication that I provided to the
12 owners, Maggie and others.

13 I did not know how Maggie got those prescriptions
14 from her clinic where she work at, but I knew Maggie was
15 getting benefit financially from A Star Pharmacy as an owner
16 of A Star. She was also helping the pharmacy to get the
17 prescription from the clinic.

18 I was aware that it was illegal to pay money to
19 patients or to doctors or any doctors' staff in exchange for
20 prescription referrals.

21 I know that claims submitted by A Star Pharmacy for
22 diclofenac and other drugs were submitted for reimbursement to
23 Medicare.

24 Due to my poor judgment at a young age, I am so
25 sorry and so regretful that I met this group of people at the

1 wrong time at the wrong place.

2 I took these actions knowingly and willfully and I
3 am pleading guilty because I am, in fact, guilty and I'm so
4 sorry for my actions.

5 THE COURT: Okay. Now, when you say you were a
6 pharmacy consultant, can you tell me what that means?

7 THE DEFENDANT: When I got hired from the owners,
8 they were Amanda and Maggie. They were also owning other
9 pharmacy at that time so they wanted a person that have
10 experience to help them to operate the pharmacy including
11 increasing, you know, profit margin for the pharmacy at that
12 time. So I was able to implement a lot of programs, for
13 example, MTM services and all this, you know, also obtaining
14 more contract with secondary wholesalers.

15 THE COURT: That's more than enough.

16 THE DEFENDANT: Okay.

17 THE COURT: So at the time that you were working as
18 a pharmacy consultant, this was in Brooklyn, physically?

19 THE DEFENDANT: Yes.

20 THE COURT: And the coupon program, you knew that it
21 was illegal to provide patients who were seeking to have their
22 prescriptions filled with any sort of benefit like the coupon
23 in exchange for them to fill their prescriptions at the
24 pharmacy?

25 THE DEFENDANT: Can you repeat that?

1 THE COURT: Sure.

2 You talked about the coupon program.

3 THE DEFENDANT: Yes.

4 THE COURT: You knew that it was improper for a
5 pharmacy to offer patients who were coming to fill
6 prescriptions, that it was improper to offer them anything of
7 value in exchange for them filling the prescription --

8 THE DEFENDANT: Yes.

9 THE COURT: -- at the pharmacy, is that correct?

10 THE DEFENDANT: Yes.

11 The program was already implemented before I started
12 working there and they had been doing it for, since the moment
13 they opened, like, years and years ago.

14 THE COURT: But while you were there, you were aware
15 of that program?

16 THE DEFENDANT: Yes. While working there, I became
17 aware of the program, yes.

18 THE COURT: And, Ms. Glaser Dauermann, is there
19 additional allocution that you need, for example, the
20 defendant's understanding and agreement that he may have
21 reached with the owners of the pharmacy, and anything else
22 about the method by which they were filling these
23 prescriptions that would be indicative of a scheme to defraud
24 Medicare?

25 MS. GLASER DAUERMAN: Your Honor, I believe he's

1 already allocuted to the kickbacks which satisfies the latter
2 thing that Your Honor mentioned.

3 THE COURT: Let me ask this.

4 Were you aware that the owners of the pharmacy were
5 receiving payments in exchange for getting the prescriptions
6 sent to them to fill?

7 THE DEFENDANT: Yes.

8 THE COURT: Okay.

9 MS. GLASER DAUERMANN: And that the defendant
10 knowingly and willfully entered into this agreement with the
11 owners of the pharmacy. I think the defendant has already
12 largely said that, but if Your Honor wouldn't mind inquiring.

13 THE COURT: And even if you didn't have an explicit
14 agreement where someone said you'll do this and you said, Yes,
15 I'll do that, was there an understanding that you had with the
16 owners of the pharmacy to assist them in carrying out this
17 scheme that they were engaged in?

18 THE DEFENDANT: Can I have a second?

19 THE COURT: Yes.

20 (Pause.)

21 THE DEFENDANT: Yes.

22 THE COURT: Anything else, Ms. Glaser Dauermann?

23 MS. GLASER DAUERMANN: That's sufficient for the
24 government.

25 THE COURT: And, Mr. Eskew, do you believe there is

1 any additional allocution that your client needs to make?

2 MR. ESKEW: No, Judge.

3 THE COURT: And I think you said this, Mr. Wong, but
4 you were aware as part of your working there that the health
5 care benefit program that would pay for these prescriptions
6 was Medicare?

7 THE DEFENDANT: Yes.

8 THE COURT: Is Medicare the only program or was
9 Medicaid involved as well, Ms. Glaser Dauermann?

10 MS. GLASER DAUERMAN: Medicaid was also involved
11 but the restitution that we are focused on and the gravamen of
12 the scheme is Medicare.

13 THE COURT: Were you aware that some of the
14 prescriptions may also have been submitted for payment to
15 Medicaid?

16 THE DEFENDANT: Yes, that was what they -- I'm
17 sorry. They had the prescription that was submitted to all
18 type of insurance.

19 THE COURT: Including Medicaid and Medicare?

20 THE DEFENDANT: Yes.

21 THE COURT: So based on the information given to me,
22 as well as my observations of the defendant and his demeanor
23 here in court today, and the representations of counsel, I
24 find that Mr. Wong is fully competent and capable of entering
25 an informed plea, that he is aware of the nature of the

1 charges and the consequences of that plea, and that the plea
2 of guilty is a knowing and voluntary plea and is supported by
3 an independent basis in fact containing the essential elements
4 of the offense in Count One. I, therefore, accept Mr. Wong's
5 plea of guilty to Count One of the indictment.

6 So, Mr. Wong, what's going to happen now is that the
7 Probation Department will begin to prepare what is known as a
8 presentence report that will assist me at the time of your
9 sentencing. You will be asked to give information for that
10 report and your attorney may be present at any interview if
11 you wish to give Probation an interview. That will be up to
12 you and your attorney to discuss.

13 Once the Probation Department has prepared and
14 issued its presentence report, you and your attorney will have
15 an opportunity to review that report and to make any
16 objections or attempt to make corrections to that report. And
17 you'll also be, through your attorney, able to submit any
18 sentencing memorandum or letters of support for you to me as
19 part of the materials that I receive for the sentencing.

20 Do you understand that?

21 THE DEFENDANT: Yes.

22 THE COURT: I'm not going to set a sentencing date.
23 My practice is to request that the Probation Department issue
24 its PSR first and then once we have that, I'll probably set
25 the sentencing date for about 60 days out from that to give

1 you enough time to put in whatever sentencing submissions.

2 So I'm going to ask Probation to get the Probation
3 Department's report done by April 8th and then depending on
4 the timing of that, I'll then set a sentencing hearing date
5 after that.

6 Is there anything else from the government at this
7 point?

8 MS. GLASER DAUERMANN: Nothing further from the
9 government.

10 THE COURT: All right. From the defense?

11 MR. ESKEW: No. No, Judge. Thank you.

12 THE COURT: Mr. Wong, I just remind you that you're
13 still subject to the conditions of your bond. I know you have
14 had no issues with satisfying those conditions, but I just
15 remind you that you're still subject to the supervision of the
16 Pretrial Services office.

17 Do you understand that?

18 THE DEFENDANT: Yes.

19 THE COURT: All right. So with that, I will likely
20 see you folks sometime in the late spring for sentencing.

21 All right. Thank you very much. Have a good
22 afternoon.

23 MS. GLASER DAUERMANN: Thank you, Your Honor.

24 (Matter concluded.)
25